

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123a.). The AEA incorporates the definition of "nuclear-weapon state" from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123a. of the AEA except the requirement of section 123a.(2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., "full-scope" or "comprehensive" safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the "Hyde Act") established authority to exempt the Agreement from the full-scope safeguards requirement of section 123a.(2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, September 10, 2008.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1527. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department.

H.R. 3667. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System.

H.R. 4081. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2617. An act to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

At 4:44 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 344. Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6532) to

amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1527. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department; to the Committee on Veterans' Affairs.

H.R. 3667. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 344. Recognizing the disproportionate impact of the global food crisis on children in the developing world; to the Committee on Foreign Relations.

### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 11, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7522. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Coverage Enhancement Option" (RIN0563-AC15) received on August 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Texas" (Docket No. APHIS-2008-0003) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7524. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled "Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions" (RIN0584-AD45) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7525. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Army and has been assigned case number 05-13; to the Committee on Appropriations.

EC-7526. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Air Force and has been assigned case number 06-01; to the Committee on Appropriations.

EC-7527. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Navy and has been assigned case number 07-04; to the Committee on Appropriations.

EC-7528. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, nine quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2008; to the Committee on Armed Services.

EC-7529. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department of Defense's review of programs designed to prevent recruiter misconduct; to the Committee on Armed Services.

EC-7530. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (6) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7531. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to public-private competitions affecting the 82nd Training Wing, Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC-7532. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the department's decision to convert to contract the aircraft maintenance functions currently performed by 101 military personnel of the Fleet Logistics Support Squadrons at Andrews Air Force Base, Maryland; to the Committee on Armed Services.

EC-7533. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the results of the Department's A-76 public-private competition; to the Committee on Armed Services.

EC-7534. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Future Years Defense Program (FYDP); to the Committee on Armed Services.

EC-7535. A communication from the Principal Deputy, Office of the Under Secretary

of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7536. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled, "The Year in Trade 2007"; to the Committee on Finance.

EC-7537. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "First Sale Declaration Requirement" (RIN1505-AB96) received on August 20, 2008; to the Committee on Finance.

EC-7538. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Entry Requirements for Certain Softwood Lumber Products Exported from Any Country into the United States" (RIN1505-AB98) received on August 20, 2008; to the Committee on Finance.

EC-7539. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2008" (Rev. Rul. 2008-46) received on August 20, 2008; to the Committee on Finance.

EC-7540. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "IRC 965 Dividend Repatriation Audit Guidelines" (LMSB-4-0808-043) received on September 2, 2008; to the Committee on Finance.

EC-7541. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Forestry Conservation Bonds" (Notice 2008-70) received on September 2, 2008; to the Committee on Finance.

EC-7542. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States for the March 2008 Session"; to the Committee on the Judiciary.

EC-7543. A communication from the Principal Deputy Assistant Attorney General, transmitting, pursuant to law, a report relative to the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

EC-7544. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Aliens Inadmissible Under the Immigration and Nationality Act, as Amended: Unlawful Voters" (RIN1400-AC04) received on August 26, 2008; to the Committee on the Judiciary.

EC-7545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

EC-7546. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC-7547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from Spencer Chemical/Jayhawk Works near Pittsburg, Kansas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Y-12 Plant in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7549. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on August 27, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-7550. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Health Claim; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease" (Docket No. FDA-2008-P-0090) received on August 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-7551. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-7552. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2007 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-7553. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC-7554. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 2008"; to the Committee on Energy and Natural Resources.

EC-7555. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC-7556. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Utah Regulatory Program" (Docket No. UT-042-FOR) received on August 25, 2008; to the Committee on Energy and Natural Resources.

EC-7557. A communication from the Acting Chief, Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "Recreation and Public Purposes Act; Solid Waste Disposal" (RIN1004-AE03) received on August 27, 2008; to the Committee on Energy and Natural Resources.

EC-7558. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Electric Generating Unit Multi-Pollutant Regulation" (FRL No. 8708-6) received on August 25, 2008; to the Committee on Environment and Public Works.

EC-7559. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment of Fine Particle Standard" (FRL No. 8707-3) received on August 25, 2008; to the Committee on Environment and Public Works.

EC-7560. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa" (FRL No. 8707-7) received on August 25, 2008; to the Committee on Environment and Public Works.

EC-7561. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Pesticide Tolerances" (FRL No. 8377-8) received on August 25, 2008; to the Committee on Environment and Public Works.

EC-7562. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions)" (RIN1018-AV20) received on August 27 2008; to the Committee on Environment and Public Works.

EC-7563. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of the draft of a bill, "To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes"; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes (Rept. No. 110-452).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2382. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense (Rept. No. 110-453).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3328. A bill to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority (Rept. No. 110-454).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3068. A bill to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony (Rept. No. 110-455).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes (Rept. No. 110-456).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2997. A bill to reauthorize the Maritime Administration, and for other purposes (Rept. No. 110-457).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3296. A bill to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

*(Nominations without an asterisk were reported with the recommendation that they be confirmed.)*

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 11, 2008:

By Mr. DODD, from the Committee on Foreign Relations:

[Treaty Doc. 109-14 Extradition Agreement with the European Union]

[Treaty Doc. 109-15 Extradition Treaty with Latvia]

[Treaty Doc. 109-16 Extradition Treaty with Estonia]

[Treaty Doc. 109-17 Extradition Treaty with Malta]

[Treaty Doc. 110-11 Extradition Treaty with Romania and Protocol to the Treaty on Mutual Legal Assistance in Criminal Matters with Romania]

[Treaty Doc. 110-12 Extradition Treaty with Bulgaria and an Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters with Bulgaria]

[Treaty Doc. 109-13 Mutual Legal Assistance Agreement with the European Union]

[Treaty Doc. 107-12 Treaty with Sweden on Mutual Legal Assistance in Criminal Matters]

[Treaty Doc. 109-22 Treaty with Malaysia on Mutual Legal Assistance]

[Treaty Doc. 105-1B Incendiary Weapons Protocol]

[Treaty Doc. 105-1C Treaty Short Title: Protocol on Blinding Laser Weapons]

[Treaty Doc. 109-10B Amendment to Article 1 of the Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects]

[Treaty Doc. 109-10C CCW Protocol on Explosive Remnants of War]

[Treaty Doc. 107-17 Partial Revision (1992) of Radio Regulations (Geneva 1979)]

[Treaty Doc. 108-28 1995 Revision of Radio Regulations]

[Treaty Doc. 110-1 Land-Based Sources Protocol to Cartagena Convention]

[Treaty Doc. 110-4 International Convention for Suppression of Acts of Nuclear Terrorism]

[Treaty Doc. 110-5 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes]

[Treaty Doc. 110-13 International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001]

[Treaty Doc. 110-15 Protocol Amending 1980 Tax Convention with Canada]

[Treaty Doc. 110-17 Tax Convention with Iceland]

[Treaty Doc. 110-18 Tax Convention with Bulgaria with Proposed Protocol of Amendment]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

AGREEMENT ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent Subject to a Declaration and a Condition.

The Senate advises and consents to the ratification of the Agreement on Extradition between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109-14), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition: